SOUTHERN DISTRICT OF NEW YORK	
UNITED STATES OF AMERICA	: :
<b>v.</b>	: 08-CR-1213 (JFK)
JAMAL YOUSEF,	: SUPPLEMENTAL
Defendant.	: <u>DECLARATION IN</u> : <u>SUPPORT OF MOTION</u>

JAMAL YOUSEF, pursuant to Title 28, United States Code, Section 1746, hereby declares the following under penalty of perjury:

- 1. I am the defendant in above-captioned action, and I make this Supplemental Declaration in support of my motion to suppress evidence obtained pursuant to the search of the sumasiempre123@yahoo.com email account. If called as a witness, I could and would competently testify to the following facts based upon my personal knowledge.
- 2. It is my understanding that, under the authority of *Simmons v. United States*, 390 U.S. 377 (1968), nothing I say in this Supplemental Declaration or the fact of its existence can or will be admitted against me at trial on the issue of guilt in this case.
- 3. I am not able to read English well enough to understand this Supplemental Declaration fully. As a result, it has been read aloud to me by counsel, and I confirm its accuracy.
- 4. In January 2009, I was one of a small number of people authorized to jointly use the email account sumasiempre123@yahoo.com. Each of the authorized users was able to access the account using the account name and a password provided to us by the account subscriber.

- 5. I personally used this email account, and I expected that its contents and records would be accessed only by the small number of people authorized by the subscriber to use it. I expected that the contents and records of the account would remain free from any outside intrusion. At no time did I expect that the account would be accessed by agents of any governmental entity.
- 6. I declare under penalty of perjury that the foregoing facts are true to the best of my knowledge and recollection.

Dated: June 9, 2011 New York, NY

JAMAL YOUSEF